

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Squad #15	CCRB Case #: 201405057	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/21/2014 7:21 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 11/21/2015	EO SOL 11/21/2015	
Date/Time CV Reported Thu, 05/22/2014 5:12 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 05/22/2014 5:12 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Lawrence Perrotta	14195	943673	075 PCT
2. POM Anthony Lafemina	11439	949190	075 PCT
3. SGT Adnan Radoncic	01316	930995	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edwin Perez	03077	914912	075 PCT
2. SGT John Marchello	05595	916958	075 PCT
3. POM Edwin Rivera	03848	924393	075 PCT
4. LT Jason Lunsford	00000	931798	075 PCT
5. POM Kevin Morgan	07698	949365	075 PCT
6. POM James Argila	15383	946752	075 PCT
7. POM Marc Whirl	09207	937726	075 PCT
8. POM Keith Drummond	14115	940106	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Lafemina	Abuse: PO Anthony Lafemina forcibly entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Anthony Lafemina	Force: PO Anthony Lafemina pointed his gun at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.SGT Adnan Radoncic	Abuse: Sgt. Adnan Radoncic searched § 87(2)(b)'s vehicle.	§ 87(2)(b)
D.POM Lawrence Perrotta	Discourtesy: PO Lawrence Perrotta spoke discourteously to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
E.POM Lawrence Perrotta	Abuse: PO Lawrence Perrotta threatened to damage § 87(2)(b)'s and § 87(2)(b)'s property.	§ 87(2)(b)
F.POM Lawrence Perrotta	Abuse: PO Lawrence Perrotta threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
G.POM Anthony Lafemina	Discourtesy: PO Anthony Lafemina spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.SGT Adnan Radoncic	Abuse: Sgt. Adnan Radoncic refused to provide his name and shield number to § 87(2)(b)	
I.POM Lawrence Perrotta	Abuse: PO Lawrence Perrotta refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)	
J.POM Anthony Lafemina	Abuse: PO Anthony Lafemina refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

Two complaints were filed with the CCRB pertaining to this incident; 201405057, filed by the victims in this case and 201405104, filed by their neighbor, § 87(2)(b) who witnessed the incident. The latter case was truncated prior to knowing that both complaints existed.

On May 21, 2014, at approximately 7:21 p.m., § 87(2)(b) and his fiancée, § 87(2)(b) were inside of their apartment located inside of a three-story multi-family home located at § 87(2)(b) in Brooklyn. They heard loud banging on their door and as they approached the door, it broke open. PO Anthony Lafemina of the 75th Precinct entered their apartment with his gun pointed at § 87(2)(b) and § 87(2)(b) (**Allegations A and B**).

PO Lafemina said, “Where are the guys that ran in here?,” which the civilians refuted. § 87(2)(b) cursed at PO Lafemina and told him to get out of his house. PO Lafemina pulled § 87(2)(b) from the apartment and into the hallway. PO Lawrence Perrotta of the 75th Precinct arrived in the hallway and remained with § 87(2)(b) while PO Lafemina reentered the apartment, looking for a young black man with dreads who had fled into the location.

§ 87(2)(b) mother, informed § 87(2)(b) that his car door was open. § 87(2)(b) immediately went outside and observed Sgt. Adnan Radoncic of the 75th Precinct, searching the front and back doors of the driver’s side of § 87(2)(b) car, a white 2006 Mercedes CLS 500 which he had left unlocked (**Allegation C**).

PO Lafemina, PO Perrotta and § 87(2)(b) exited the building. § 87(2)(b) disputed the entry of his residence and search of his vehicle. PO Perrotta pushed § 87(2)(b) against the building and told him to “Shut the fuck up” and later told him, “If you don’t give up those individuals, I’ll fucking come here every day and kick in your door. I’ll fuck you up” (**Allegations D, E and F**). § 87(2)(b) then told PO Perrotta that she was going to file a complaint against the officers and he responded “I don’t give a fuck” (within **Allegation D**). PO Lafemina, unprompted, told § 87(2)(b) “Calm the fuck down” (**Allegation G**). All of the officers requested § 87(2)(b)’s identification, which he declined to provide. § 87(2)(b) and § 87(2)(b) requested all of the officers’ names and shield numbers, which they did not furnish (**Allegations H, I and J**). The officers then entered a gray Chevrolet Impala and left the location without obtaining § 87(2)(b)’s identification. No summonses or arrests resulted from this incident. § 87(4-b), § 87(2)(g)

This case was initially assigned to Inv. Lesley Henry-Bedeau and was reassigned to the undersigned investigator on June 20, 2014, upon Inv. Henry-Bedeau’s resignation from the agency.

Civil, Mediation and Criminal Histories

As of June 15, 2015, § 87(2)(b) and § 87(2)(b) have not filed a notice of claim in regards to this incident, beyond the 90-day filing deadline (encl. T33).

This case was ineligible for mediation, due to various factors including the damaged property and the gun pointed allegation.

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. B8-B9).
- Sgt. Radoncic has been a member of the service for 12 years and has no substantiated CCRB allegations against him (encl. B1-B3).
- PO Lafemina has been a member of the service for 4 years and has no substantiated CCRB allegations against him (encl. B4-B5).
- PO Perrotta has been a member of the service for 8 years and has had no substantiated CCRB allegations against him (encl. B6-B7).

Finding and Recommendations

Identification of Subject Officers

No documentation could be located pertaining to this incident including a Stop, Question and Frisk report, an Event Summary of a foot pursuit or an MISD check for either civilian's name (encl. Q66, Q11-Q13 and U14).

§ 87(2)(b) provided the most detailed descriptions of the subject officers. § 87(2)(b) filed an online complaint one day after the incident, on May 22, 2014, and indicated that all three officers were in plainclothes. His descriptions remained consistent when he provided a phone statement to the CCRB on June 12, 2014 and when he was interviewed on June 19, 2014. The following descriptions are based on the totality of his descriptions. § 87(2)(b) described PO1 as a 27-year-old, white or Hispanic male, shortest officer amongst the three, with a muscular build and with black hair. § 87(2)(b) described PO2 as a 37-year-old, stocky white man, over 240lbs., with blonde hair and he described PO3 as a 37-year-old, white male. § 87(2)(b) provided a statement to the CCRB on June 19, 2014 and provided generic descriptions that all three officers were white males, and corroborated § 87(2)(b)'s testimony that PO1 was short, PO2 was heavy set and PO3 was similar in build to her husband. § 87(2)(b) is a 34-year-old 200lbs., and 5'10" tall. § 87(2)(b) indicated that the officers had a grey Chevy impala throughout all of his statements and § 87(2)(b) could solely describe it as a grey 4-door sedan.

Fleet services indicated that on the date of the incident, only the 75th Precinct had an unmarked grey Chevrolet Impala in use (encl. U3). The 75th Precinct roll call revealed that Anti-Crime was the only plainclothes unit active and the following officers were assigned to the team: Sgt. Adnan Radoncic, Sgt. William Hall, PO James Argila, PO Kevin Morgan, PO Lawrence Perrotta, PO Anthony Lafemina, PO Marc Whirl, PO Jay Rivera and PO Justin Puccia (encl. Q19-Q32).

On February 25, 2015, nine months after the incident date, single shot photo arrays were presented separately to § 87(2)(b) and § 87(2)(b) (encl. C17-C29 and D7-D18). § 87(2)(b) recognized PO Perrotta as a potential subject officer but did not know for certain. § 87(2)(b) identified PO Perrotta as PO2. § 87(2)(b) also provided very detailed descriptions during the photo array of the subject officers that do not match her or § 87(2)(b)'s previous descriptions or the photo that she identified. § 87(2)(g)

Memo books were obtained from the entire Anti-Crime team, and it was established by memo books and officer interviews that PO Perrotta, PO Lafemina and Sgt. Radoncic worked together in an unmarked grey Chevrolet Impala (encl. M1-M2, N1-N2 and O1-O5).

PO Lafemina matched the descriptions noted above for PO1, in that he is the shortest of the three, the youngest at § 87(2)(b) of age, has dark hair and can be described as white or Hispanic. Additionally, PO Lafemina indicated during his CCRB statement, that he has previously entered the location for unknown police action but due to the loss of his memo book, he could not confirm if it was this incident. § 87(2)(b) and § 87(2)(b) attributed the entry to PO1.

PO Perrotta was identified by both civilians as a potential subject officer and § 87(2)(b) identified him as PO2. PO Perrotta matched the description both provided of PO2 as being the stockiest of the officers, at 280lbs. While he appears to be bald, he also has blonde eyebrows and is § 87(2)(b)-old, as indicated by § 87(2)(b).

Sgt. Radoncic matched the general description of PO3, in that he is a white man who has a similar body build to § 87(2)(b) as indicated by § 87(2)(b) and he is § 87(2)(b)-old.

Based on the factors described above, allegations **A, B, G and J** are pleaded to PO Lafemina, allegations **D, E, F and I** are pleaded against PO Perrotta, and allegations **C, H and K** are pleaded to Sgt. Radoncic.

Allegations Not Pleaded

Abuse: A property damage allegation is not being pleaded for the damage to the door since it is being subsumed into the forcible entry into the residence.

Other: PO Perrotta and PO Lafemina are not being cited for other misconduct. Criminal Complaint Reports were filed that documented that PO Perrotta lost his memo book during a foot pursuit on January 23, 2015 and PO Lafemina discovered his memo book to be missing on April 24, 2015 (encl. Q67-Q70).

Abuse: A refusal to process a civilian complaint allegation is not being pleaded against an officer of the 75th Precinct. § 87(2)(b) acknowledged that pursuant to his 911 call to report the incident on May 21, 2014, a supervisor from the 75th Precinct responded and took his complaint against the subject officers which was forwarded to IAB. § 87(2)(b) initially told the CCRB that when he went to obtain the documentation from the precinct on May 22, 2014, he asked for documentation pertaining to the incident and the desk officer told him he could not help him. During a subsequent statement, he indicated that he requested to file a complaint when he arrived at the 75th Precinct. However, he was informed that he should wait for IAB to call him. Given that the precinct had in fact taken his complaint in person the previous day and submitted it to IAB, there was no refusal to take his complaint.

Allegation A- Abuse of Authority: PO Anthony Lafemina forcibly entered § 87(2)(b) in Brooklyn.

Allegation B- Force: PO Anthony Lafemina pointed his gun towards § 87(2)(b) and § 87(2)(b)

Allegation C-Abuse of Authority: Sgt. Adnan Radoncic searched § 87(2)(b)'s vehicle.

Allegation D- Discourtesy: PO Lawrence Perrotta spoke discourteously to § 87(2)(b) and § 87(2)(b)

Allegation E- Abuse of Authority: PO Lawrence Perrotta threatened to damage § 87(2)(b) s and § 87(2)(b) s property.

Allegation F- Abuse of Authority: PO Lawrence Perrotta threatened § 87(2)(b) with the use of force.

Allegation G- Discourtesy: PO Anthony Lafemina spoke discourteously to § 87(2)(b)

Allegation H- Abuse of Authority: Sgt. Adnan Radoncic refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)

Allegation I-Abuse of Authority: PO Lawrence Perrotta refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)

Allegation J- Abuse of Authority: PO Anthony Lafemina refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)

On May 21, 2014, § 87(2)(b) called 911 at 8:16 p.m. and reported the incident immediately, requesting a supervisor to the scene, which ultimately generated an IAB complaint that was never referred to the CCRB and sent instead to the Office Chief of Department (encl. Q9 and Q10). § 87(2)(b) and § 87(2)(b) have provided a number of statements pertaining to this incident to the CCRB (as noted in the Case Summary and Identification of Subject Officers Section) and both have been consistent throughout the investigation. Additionally, their neighbor, § 87(2)(b) filed a separate online complaint with the CCRB (case 201405104) two days after the incident, confirming that three plainclothed white male officers kicked open his neighbor's door. § 87(2)(b) refused to cooperate with the CCRB at that time leading to his case being truncated. Additional attempts were made to contact him as a witness for this complaint. However, the CCRB was unable to obtain a formal statement from him.

Sgt. Radoncic, PO Perrotta and PO Lafemina did not recall this incident. PO Lafemina indicated that he had previously entered § 87(2)(b) but since his memo book was missing, he could not confirm if the entry occurred in this specific residence on the incident date nor could he provide the context for the entry, solely noting that it was related to police action. He added that he also recalled observing kids smoking marijuana on the stoop which lends further credibility to § 87(2)(b) and § 87(2)(b) s testimony that they were informed that the officers were in pursuit of a young black male who had just entered the building. PO Perrotta lost his memo book, as discussed previously and Sgt. Radoncic had no entries surrounding the incident time of his activities.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Pod: 15

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date